

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

*CV#04-1355*

*ADM/AJB*

No. 04-2344

Medtronic, Inc.; Medtronic  
International, Ltd.; Medtronic  
Sofamor Danek, Inc.,

Appellants,

vs.

ETEX Corporation; Duke Lee, as a  
shareholder representative of ETEX  
Corporation; Wayne Mayhew, III,  
as a shareholder representative of  
ETEX Corporation; Wooyoung Choi,  
as a shareholder representative of  
ETEX Corporation,

Appellees.

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota  
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\*  
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\*  
\*

**JUDGMENT**

The stipulation of the parties for dismissal of this appeal is approved.  
The appeal is hereby dismissed in accordance with Federal Rules of Appellate  
Procedure 42(b).

The Court's mandate shall issue forthwith.

(5361-010199)

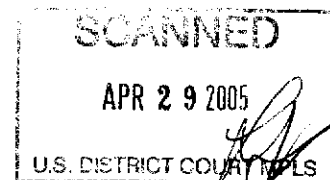
April 26, 2005

Order Entered at the Direction of the Court

*Michael E. Gans*

Clerk, U.S. Court of Appeals, Eighth Circuit

ORIGINAL  
MICHAEL E. GANS, CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT  
BY: *Michael E. Gans*



UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

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MICHAEL E. GANS  
Clerk of Court

April 26, 2005

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2049 Century Park, E.  
Los Angeles, CA 90067

Mr. David T. Miyamoto  
SIDLEY & AUSTIN  
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Los Angeles, CA 90013-1010

Re: 04-2344 Medtronic vs. ETEX Corp.

Dear Counsel:

Enclosed is a copy of an order entered today in the above case.  
Mandate is being issued and sent today to the Clerk of the United  
States District Court.

(5009-010199)

Sincerely,

*Michael E. Gans*  
Michael E. Gans  
Clerk of Court

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Enclosure(s)

cc: Honorable Ann D. Montgomery, U.S. District Judge  
Bernice Conn  
Michael A. Geibelson  
Edward G. Poplawski  
Franklin D. Kang  
Lee M. Pulju  
William L. Roberts  
Richard Sletten, Clerk

District Court/Agency Case Number(s): 04-cv-1355 ADM/AJB